



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,339	07/23/2001	Wesley D. Lindquist	13212.144	2763

24283 7590 12/18/2003

PATTON BOGGS
PO BOX 270930
LOUISVILLE, CO 80027

EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 12/18/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,339

Applicant(s)

LINDQUIST, WESLEY D.

Examiner

Chongshan Chen

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-44 are pending in this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15, 18-21, 23-37 and 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Granger et al. ("Granger", Pub. No.: US 2002/0007306).

As per claim 1, Granger teaches an automated gift certificate generation system for automatically identifying merchants to generate a gift certificate based on a location, comprising:

means for receiving gift certificate data that designates a plurality of gift certificate data including at least one of: geographic location, merchant identification, recipient profile, recipient address, monetary value of said gift certificate, product characteristics, mode of delivery, delivery date (Granger, page 1, [0008], "... a person can receive promotions information, ...");

means for automatically identifying at least one merchant located in an area located proximate at least one of: said address of said gift certificate recipient and said geographic location (Granger, page 2, [0019]-[0020]);

means for enabling said user to select at least one of said identified merchants (Granger, page 6, [0074]); and

means for generating a gift certificate that defines a monetary amount of said gift certificate and said selected merchant (Granger, page 1, [0008]).

As per claim 2, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches responsive to establishment of a communication connection from a terminal device of said user to said automated gift certificate generation system, for transmitting a plurality of user data entry screens, seriatim to said terminal device to enable said user to input said gift certificate data (Granger, page 6, [0074]).

As per claim 3, Granger teaches all the claimed subject matters as discussed in claim 2, and further teaches responsive to receipt of gift certificate data indicative of a location of a recipient profile, for uploading said recipient profile from said location (Granger, page 2, [0020]).

As per claim 4, Granger teaches all the claimed subject matters as discussed in claim 2, and further teaches receiving data from said user that defines a radius from said at least one of: said address of said gift certificate recipient and said geographic location as said area located proximate at least one of: said address of said gift certificate recipient and said geographic location (Granger, page 4, [0053]).

As per claim 5, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches enabling said user to select a gift certificate from database of gift certificates (Granger, page 6, [0074]).

As per claim 6, Granger teaches all the claimed subject matters as discussed in claim 5, and further teaches enabling said user to customize said selected gift certificate (Granger, page 6, [0073]).

As per claim 7, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches enabling said user to select a mode of transmission used to transmit said selected gift certificate to said gift certificate recipient (Granger, page 1, [0015]).

As per claim 8, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches downloading said data indicative of an address of said gift certificate recipient via a communication medium from an address book stored on a terminal device of said user (Granger, page 5, [0059]).

As per claim 9, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches downloading said data indicative of an address of said gift certificate recipient via a communication medium from a web site address book (Granger, page 5, [0059]).

As per claim 10, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches downloading said data indicative of an address of said gift certificate recipient via a communication medium from a data storage device located remote from said automated gift certificate generation system (Granger, page 4, [0053]).

As per claim 11, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches generating a map that defines a travel path from said address of said gift certificate recipient to said merchant (Granger, page 3, [0044]).

As per claim 12, Granger teaches all the claimed subject matters as discussed in claim 11, and further teaches displaying a driving maps (Granger, page 3, [0044]), which inherently includes a list of a plurality of concatenated path segments, each of said plurality of concatenated path segments comprising a definition of a predetermined identified travel path (please check www.mapquest.com, also see US Patent to Angwin, 6,559,865, col. 1, lines 30-35).

As per claim 13, Granger teaches all the claimed subject matters as discussed in claim 12, and further teaches displaying a driving maps (Granger, page 3, [0044]), which inherently includes data indicative of a distance traveled along each of said plurality of concatenated path segments (please check www.mapquest.com, also see US Patent to Angwin, 6,559,865, col. 1, lines 30-35).

As per claim 14, Granger teaches all the claimed subject matters as discussed in claim 13, and further teaches displaying a driving maps (Granger, page 3, [0044]), which inherently includes data indicative of an estimate of a time required to travel along each of said plurality of concatenated path segments (please check www.mapquest.com, also see US Patent to Angwin, 6,559,865, col. 1, lines 30-35).

As per claim 15, Granger teaches all the claimed subject matters as discussed in claim 13, and further teaches displaying a driving maps (Granger, page 3, [0044]), which inherently includes a written description of said travel path describing each of said plurality of concatenated path segments and said distance traveled along each of said plurality of concatenated path segments (please check www.mapquest.com, also see US Patent to Angwin, 6,559,865, col. 1, lines 30-35).

As per claim 18, Granger teaches all the claimed subject matters as discussed in claim 13, and further teaches displaying a driving maps (Granger, page 3, [0044]), which inherently includes generating a display to illustrate said travel path comprising each of said plurality of concatenated path segments and said distance traveled along each of said plurality of concatenated path segments (please check www.mapquest.com, also see US Patent to Angwin, 6,559,865, col. 1, lines 30-35).

As per claim 19, Granger teaches all the claimed subject matters as discussed in claim 18, and further teaches including said display with said gift certificate (Granger, Fig. 7).

As per claim 20, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches means for storing merchant information in a database (Granger, Fig. 4, elements 24, 25); and means for correlating said received gift certificate data with merchant information stored in said database to generate a list of said identified merchants (Granger, page 5, [0063]).

As per claim 21, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches means for activating an automated shopping expert program to guide said user through a series of queries to generate data to supplement said received gift certificate data (Granger, page 6, [0073]).

Claims 23-37 are rejected on grounds corresponding to the reasons given above for claims 1-15.

Claims 40-43 rejected on grounds corresponding to the reasons given above for claims 18-21.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-17, 22, 38-39 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granger et al. ("Granger", Pub. No.: US 2002/0007306).

As per claim 16, Granger teaches all the claimed subject matters as discussed in claim 15, and further teaches displaying gift certificate information, driving maps (Granger, page 3, [0044]) and a printer connected to the display (Granger, Fig. 10). Granger does not explicitly disclose printing driving description on said gift certificate. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to print the written driving description on the gift certificate. This provides the driving description to the user, and saves the user from the burden of searching map.

As per claim 17, Granger teaches all the claimed subject matters as discussed in claim 15, and further teaches displaying gift certificate information, driving maps (Granger, page 3, [0044]) and a printer connected to the display (Granger, Fig. 10). Granger does not explicitly disclose print written driving description on a printed media for a one of: insertion into said gift certificate, and attached to said gift certificate. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to print the written driving description on the gift certificate by inserting or attaching to the gift certificate. This provides the driving description to the user, and saves the user from the burden of searching map.

As per claim 22, Granger teaches all the claimed subject matters as discussed in claim 1, and further teaches displaying/printing gift certificate (Granger, page 2, [0024]). Granger does not explicitly disclose incorporating merchant store operating data comprising at least one of: business hours, telephone number, WEB site address, into said certificate. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2172

incorporate at least one of business hours, telephone number, web address into the certificate.

The business hours let a person know when the store is open. Telephone number and web address provides contact information to a person.

Claims 38-39 are rejected on grounds corresponding to the reasons given above for claims 16-17.

Claim 44 is rejected on grounds corresponding to the reasons given above for claim 22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is 703-305-8319.

The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703)305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

December 11, 2003



**SHAHID ALAM
PRIMARY EXAMINER**